

## **2020 Waterville Charter Commission Majority Report**

The Waterville Charter Commission of 2020 submits this final report to the Council. Our Commission was a politically diverse group, representing a wide range of Waterville voters; our main focus was to ensure that any changes sent to Council were met with high approval from the Commission. We felt it prudent that all changes voted for consideration from the voters have the support of at least 2/3 of the Commission, and we set an even higher bar for sending the complete Charter revisions to the voters with at least 80% of the Commissioners approving. We considered 164 amendments, of which 77 in 13 broad categories are presented as a comprehensive Charter revision package.

This final package is submitted to you with a vote of 8-2, with the minority filing their own reports.

Given the political diversity of our Commission, there were several issues that caused great debate. One issue that we did NOT debate due to pending lawsuits in Southern Maine was the issue of whether employees of the School system may serve as Councilors. After consultation with the City Solicitor, we felt this issue was best left untouched until the lawsuits have been settled and we urge the next Commission to address this if needed.

After proper debate, the Commission considered the following changes, and while a majority of Commissioners supported the measures, they did not meet the threshold for final placement on our final Charter package. Due to the majority vote on these measures, we urge the next commission to give careful consideration to: requiring that boards and commissions strive for diversity in their makeup; prohibiting the City Manager from taking a position inside a department after their tenure as City Manager for a period of at least two years; eliminating caucuses and moving Waterville to a primary system; and allowing nominating papers to be taken out 180 days before an election and prohibiting caucuses from being held any earlier. Term limits on councilors initially passed with a 7-3 vote, but on reconsideration, failed 5-5, and we encourage the next commission to give consideration to that measure, as well as to keep the process of standardization that this Commission strove for throughout the document.

Also debated, and left unchanged, with five or fewer Commissioners supporting, were term limits on the mayor; eliminating the mayor; plebiscite voting on the budget; increasing the number of councilors on the council to 9; increasing residency requirements for councilors; eliminating partisan elections; prohibiting losers of party nominations from running unenrolled, and requiring that petition signature-gatherers be residents of Waterville.

The Commission felt that it was unfair to the voters to restrict them from having their say in who represented the City for any office, or to deprive anyone from soliciting their support on a petition. We also felt it was unwise to restrict the employment opportunities of public servants. After hearing public commentary about several issues of plebiscite voting on the mayor, the

budget, the ward system, and partisan elections, the Commission felt the community was being best-served with the current structure of the government and it did not serve the best interests of the City to make changes.

Despite our differing political ideologies, we did compromise and find consensus to suggest several major changes to the Charter.

We feel that the council appointment of vacancies creates too much division and disenfranchises the residents of the ward in which the vacancy occurs. We propose moving back to plebiscite filling of vacancies. We took great care to set up a timeline for these special elections that created as little a burden as possible on the City Clerk's office. The special elections are tied to June/November elections so money is not allocated for an election in just 1/7th of the City.

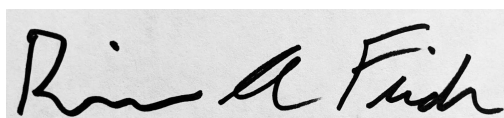
Another major change that we propose is to require the Council pass the municipal budget by a 2/3 majority, instead of a simple majority as needed now. We feel that the budget impacts the lives of the residents of the city in every way, and such a large impact should be done with the greatest care to the residents. Ensuring a 2/3 passage means more voices are heard and considered and forces the council to guarantee they are looking out for their constituents.

All minor proposals and clerical changes are listed with explanations below. These make up the bulk of the motions that the Commission considered. Many clerical changes are related to updating to reference State Statutes, or clarifying the induction process. Several other clerical changes came from the City Clerk's office asking us to tweak redundancies, update changes in State law, or harmonize language. Others were noticed during the Commission's evaluation of the Charter.

Finally, the Commission unanimously and enthusiastically supported the idea of allowing votes of the Planning Board to be considered the final decision unless overridden by  $\frac{2}{3}$  of the Council. As this violates the Home Rule provisions of State Law, we cannot propose this revision, but we strongly urge the Council to amend the Zoning Board Ordinance in Article 7 Section 7.1.2 to allow for amendments to go before the Planning Board at the discretion of the City Manager without needing prior approval from Council.

The Charter Commission hereby submits its work to be placed on the ballot for consideration at the regularly scheduled November 2020 election. The Commission also declares its dissolution, to be effective the 4th of September, 2020

Respectfully submitted,

A handwritten signature in black ink, reading "Rina A. Fisher". The signature is written in a cursive, flowing style. The first name "Rina" is written with a large, stylized "R". The middle initial "A" is smaller and written between the first and last names. The last name "Fisher" is written in a similar cursive style. The signature is set against a light gray background.

Rien A. Finch, Waterville Charter Commission Secretary

### **Article I: Grant of Powers to the City**

- No changes

### **Article II: The Mayor**

- Minor clerical changes in Section 2, 4; remove induction language to a new section in Article IX; and harmonize language for vacancies across Mayor/Council/School Board
- Section 1 -
  - Set the minimum age for candidacy to 18 by induction. *A change in state law allowing for registration of 16 and 17-year olds prompted the Commission to add a minimum age where previously there was none.*
  - change the length of time that a candidate must live in the city from 3 months to 1 year prior to induction. *The Commission felt someone leading the City needed time to live in the city and understand the culture/people of the city before representing them.*

### **Article III: The City Manager**

- Minor clerical changes in Section 1; update reference to correct Article/Section
- Section 1 -
  - Add preferred qualifications to City Manager. *The Commission felt that with Waterville being a Service Center, minimum qualifications around post-secondary education and prior supervisory experience at the municipal level were necessary for the Council to consider in the appointment of a new City Manager.*
- Section 3 -
  - Add restriction that the City Manager cannot head a department, unless on an interim basis during a vacancy. *The Commission felt having a City Manager head one or more departments created less transparency in government and a lack of accountability.*

### **Article IV: The City Council**

- Minor clerical changes in Sections 4, 5, 9, 10: harmonize language for vacancies across Mayor/Council/School Board; clarify language around induction; list powers not subject to mayoral veto; clarify language around when orders and resolutions take effect; remove requirement to post ordinances in a newspaper; clarify that anything posted electronically means a website controlled by the City.
- Section 2 -
  - Set minimum age for candidates. *See Mayor*
- Section 4 -
  - clarify that councilor absence is for 3 consecutive council meetings. *The Commission felt adding consecutive clarified the intent of the language and protected a councilor from being declared vacant if there were several special meetings in a short time period they were unable to attend.*

- remove the Council appointing vacancies, switch back to plebiscite. *Major change, reasoned above.*
- Section 7 -
  - Require a 2/3 majority up from simple majority to approve City Manager and City Solicitor. *With these being such vital roles to the City, the Commission felt a higher bar was required to place any individual in those roles.*
  - Require a 2/3 vote to pass the budget. *Major change, reasoned above.*
- Section 9 -
  - Clarify that all votes that require a 2/3 majority, do so for amendments and/or first readings as well *This both standardizes and clears up recent confusion about 2/3 votes*

#### **Article V: Administrative Organization**

- Minor clerical changes in Sections 2, 4, 5, 7: fix language around the Health Officer; change reference to statute statute; split the removal of the City Solicitor into its own point; and clarify that no councilor or school board member can be appointed to boards.
- Section 1 -
  - Added Parks and Recreation as an official City Department. *The current Parks and Rec director requested this and the Commission saw no reason not to add.*
- Section 2 -
  - Removed language that the City Manager may also head a department. *See City Manager.*
- Section 7 -
  - Quasi-judicial boards (planning board, assessment review, and zoning) are only boards required to file minutes with the Clerk; others may be required by Council. *The Commission considered this at the request of the Clerk's office, which holds the records of all the minutes. The change gives the Council the ability to add more boards/committees to the list of minutes that are required to be kept by the Clerk's office.*

#### **Article VI: Code of Ethics**

- Minor clerical changes in Sections 1, 2: changing the numbering and updating references to sections; eliminating Section 7 as it's no longer needed.

#### **Article VII: City Finances**

- Minor clerical changes in Sections 1, 7: clarify that the finance director is appointed by the City Manager; update reference to state statutes
- Section 2 -
  - Changed reporting requirements to council to quarterly from monthly. *The Commission considered this and the below at the request of the Finance Director, who felt there was not enough change on a month-to-month basis to justify sending reports.*

- Added requirement for the Council to get each Department's percentage of budget spent reports every month. *The Commission heard from several councilors who requested this information be provided to them. This was a compromise to striking the quarterly reports from Section 9.*
- Remove the requirement that the finance department is responsible for all initial purchases. *This clarifies that the purchasing of items comes from the budgets of the departments making the purchase and does not require the Finance department to pay for a purchase from their own budget and be reimbursed from the budget of the purchasing department.*
- Section 9-
  - Removed the specific information to be contained in the Finance Committee Reports *Both the Finance Director and City Manager found this information to be unhelpful; instead the Council will receive the percentage of budget spent detailed above.*
  - Changed the length of term to 2 years, with multiple terms allowed, provided they are non-consecutive *We felt that having all councilors have an opportunity to sit on Finance Committee would result in more fiscally sound decisions from the Council by greater understanding how the budget process works*

#### **Article VIII: Administration of Schools**

- Minor clerical change in Sections 1, 4: add reference to induction process; harmonize vacancies across Mayor/Council/School Board
- Section 2 -
  - Minimum age for candidates. *See Mayor.*

#### **Article IX: Elections**

- minor clerical changes in sections 3, 4, 6,7, 8, 9, 10, 12: add references to induction process; clarify when a petition must be received by the Clerk's office and how; update references to state statutes
- Section 2 -
  - require Water District Trustees to be elected at caucus, require 15 but no more than 25 signatures, with at least 1 signature from each ward. *This corrects an overlooked office to the list that must be nominated at a caucus. The Commission wanted to ensure that someone representing the entire city collected signatures from the entire city.*
- Section 4 -
  - require the City to maintain on the City Website a description of relevant voter registration and election State Statutes. *The Commission felt with the recent confusion over voter eligibility and due to recent changes in State law, that it would serve the voters well to have a description of these registration and election laws made available*
- Section 9 -

- allow caucuses to be held 40 days prior to a special election and allow candidate signatures to be filed 35 days to a special election *The Commission recognized the burden of elections on the City Clerk's office and bound special elections to June/November; in order to reduce the time seats were vacant, the thresholds were lowered for special elections only.*
- Section 13 -
  - New section containing processes for induction for all elections. *This is not a substantive change, but it clarifies how and when any elected office is inducted into that office for both special and regular elections. It relocates language from several places in the Charter and replaces those language sections with reference to the new Section 13.*

#### **Article X: Recall, Referendum, and Initiatives**

- Minor clerical changes in Sections 1, 4: clarify removal from office procedure; clarify when and for how long City Clerk's office holds onto petitions
- Section 4-
  - Added requirement that for all ward-based recalls, the 3 voters taking out the affidavit must be residents of the ward of the person they are seeking to remove from office. *The Commission felt it was important that only voters under the jurisdiction of an elected official be permitted to initiate a recall of that official.*

#### **Article XI: General Provisions**

- Minor clerical changes in Sections 1, 2, 7: update references to state statutes; clarify Charter review is 7 years after enactment
- Section 8 -
  - Directs the Council to create an ordinance detailing emergency policies and procedures. *This came about due to current circumstances; after review of several other municipal Charters, an ordinance that can be more easily amended is the correct place for emergency directives, which is why this mandates only the creation and maintenance of an ordinance and not the procedures themselves.*
- Section 9 -
  - Creates a Comprehensive Plan Review Commission to meet every 7 years after enactment of a new Comprehensive Plan. *The Commission considered this at the request of a Councilor who wanted the City to be more proactive in addressing any changing dynamics in the city.*